

contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On June 7, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5 and costs.

HENRY A. WALLACE, *Secretary of Agriculture.*

19905. Adulteration of tomato catsup. U. S. v. 83 Cases of Tomato Catsup. Default decree of destruction entered. (F. & D. No. 27919. I. S. No. 47533. S. No. 5956.)

This action involved the interstate shipment of a quantity of canned tomato catsup, samples of which were found to contain excessive mold.

On March 17, 1932, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 83 cases of tomato catsup at Maryville, Mo., alleging that the article had been shipped in interstate commerce on or about November 25, 1931, by the Currie Canning Co., from Grand Junction, Colo., into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Mesa Brand Tomato Catsup Packed by the Currie Canning Co. Grand Junction, Colorado."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On June 10, 1932, no claimant having appeared for the property, a decree was entered adjudging the property to be adulterated, and ordering that it be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19906. Adulteration and misbranding of vanilla flavor. U. S. v. 80 Bottles of Vanilla Flavor. Default decree of condemnation and destruction. (F. & D. No. 27917. I. S. No. 22346. S. No. 5959.)

This action involved the interstate shipment of a product which was an imitation vanilla flavor and was not labeled as such.

On March 18, 1932, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 80 bottles of vanilla flavor at Butte, Mont., alleging that the article had been shipped in interstate commerce on or about February 11, 1932, by the Universal Laboratories, Dallas, Tex., to Butte, Mont., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Goodier's De Luxe * * * Vanilla Flavor * * * Vanilla, Vanillin and Coumarin Compound Caramel color added. * * * Manufactured by Universal Laboratories, Dallas."

It was alleged in the libel that the article was adulterated in that a substance, an imitation vanilla flavor, had been substituted wholly or in part for vanilla flavor.

Misbranding was alleged for the reason that the statements, "Goodier's De Luxe 8 ounce Vanilla Flavor * * * Manufactured by Universal Laboratories, Dallas," borne on the label, were false and misleading, since the article was an imitation of vanilla flavor.

On June 2, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19907. Adulteration of canned sweetpotatoes. U. S. v. 103 Cases of Canned Sweetpotatoes. Default decree of destruction entered. (F. & D. No. 28222. I. S. Nos. 50824, 50825, 50826. S. No. 6096.)

This action involved the interstate shipment of quantities of canned sweetpotatoes, samples of which were found to be decomposed.

On April 21, 1932, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, a libel praying seizure and condemnation of 103 cases of canned sweetpotatoes, remaining in the original unbroken packages at St. Joseph, Mo., alleging that the article had been shipped in interstate commerce on or about September 29, 1931, by the John W. Taylor Packing Co., from Hallwood, Va., to St. Joseph, Mo., and charging adulteration in violation of the food and drugs act. The article consisted of three different lots labeled in part, respectively: (Cans) "Red and

White Brand Sweet Potatoes;" "Gypsy Boy Brand Sweet Potatoes;" "Sunflower Brand Extra Quality New Jersey Sweet Potatoes."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On June 10, 1932, no claimant having appeared for the property, a decree was entered adjudging the product to be adulterated and ordering that it be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19908. Misbranding of canned cherries. U. S. v. 20 Cases of Canned Cherries. Default decree of forfeiture and destruction. (F. & D. No. 27930. I. S. No. 32169. S. No. 5964.)

This action involved the interstate shipment of a quantity of canned cherries which fell below the standard promulgated by the Secretary of Agriculture for canned cherries and which failed to comply with the Federal food and drugs act, since it was not labeled "substandard."

On March 18, 1932, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 20 cases of canned cherries, remaining in the original unbroken packages at Idaho Falls, Idaho, alleging that the article had been shipped in interstate commerce on or about September 3, 1931, by Zion's Wholesale Grocery, from Salt Lake City, Utah, to Idaho Falls, Idaho, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Utah Fawn Brand Pitted Red Cherries packed by the Wright-Whittier Co., Ogden, Utah. * * * guaranteed by the Wright-Whittier Co. under the Food and Drugs Act, June 30, 1906."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, in that the liquid portion read less than 16° Brix and its label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture, indicating that it fell below such standard. Misbranding was alleged for the further reason that the following statement appearing on the label, "Guaranteed by the Wright-Whittier Co. under the Food and Drugs Act June 30, 1906, Serial No. 26100," was false and misleading and deceived and mislead the purchaser.

On May 10, 1932, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19909. Adulteration and misbranding of butter. U. S. v. 32 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (No. 4170-A. F. & D. No. 28421.)

This action involved the shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard for butter prescribed by Congress.

On or about June 2, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 32 cases of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce May 19, 1932, by the Monroe City Creamery Co., from Monroe City, Wis., to Chicago, Ill., and charging adulteration and misbranding in violation of the food and drugs act. The records of this department indicate that the product was shipped from Monroe City, Mo., and the shipment was so reported to the United States attorney.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading, since it contained less than 80 per cent of milk fat.

On June 21, 1932, the Waskow Butter Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a